



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,955	12/04/2001	Marc Ivor John Beale	MSL-1	3437

7590 02/14/2005

Ira S Dorman
Suite 200
330 Roberts Street
East Hartford, CT 06108

EXAMINER

MENGISTU, AMARE

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/980,955	BEALE, MARC IVOR JOHN	
	Examiner	Art Unit	
	Amare Mengistu	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct. 12, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,5,10,15,21,25-33 and 35-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-9,11-14,16-20,22,25-33,35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1,3,6-9,11-14,16-20,22,25-33,35-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed does not disclose the new claim recitation "*the communication region within a tolerance determined by the angular separation of adjacent symbols, and being offset relative to the location of the symbol to be selected*". The newly add claim limitation was not described in the specification at the time of the application was filed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2673

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,6-9,11-14,16-20,22,25-33,35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hanson et al** (5,483,235).

3. As to claims 1, 3,22, 25,**Hanson et al**, discloses a communication system comprising: means defining a communication region having associated therewith a plurality of symbols of the like (fig.2 (12)) and being responsive to a user controlled pointing device (fig.2 (16)) whereby a desired symbol or the like can be selected by detecting movement of the pointing device along a predetermined bearing with the communication region (col.2, lines 18-24 (fig.2 regions [F1, F2.]; [1,2...]; [A, B...]), the predetermined bearing being substantially parallel to a direction of the desired symbol of the like relative to a central region of the communication region within a tolerance determined by the angular separation of adjacent symbols (fig.2 (12)[1,2,3...#]). It would have been obvious to one skill in the art at the time of the invention was made to have recognize that the communication system of **Hanson et al** teaches one can select a symbol in parallel direction (fig.1 (12) [F1, F2...F10]), but not consisting of movement toward a selectable region associated with a desired symbol or the like (as best understood).

As to claims 6,7,8, **Hanson et al**, teaches that the user controlled pointing device whereby a desired symbol can be selected by movement of the pointing device in a predetermined direction within the pointing device in a predetermined direction within the region with which the desired symbol is associated (fig.2 [F1, F2...]; [A, B.]; [1,2, #]).

As to claim 9, wherein two sets of communication regions are provided (see, fig.2 first set of region [1,2...#]; second set of region [A, B...Z]) as taught by **Hanson et al.**

As to claims 11 and 30, **Hanson et al.**, discloses means is provided for selecting a further symbol or the like arranged within an area encompassed by each region by tapping the area within the desired region (see, fig.2 region [F1, F2...F10] or region [1,2...#]).

As to claims 12 and 31, **Hanson et al.**, also teaches means is provided for selecting further symbols or the like by employing a different form of movement form that require to select from the basic symbols (see, fig.2 [F1, F2...F10]).

In regard to claims 13,14,31-33, **Hanson et al** the symbols or the like may be selected on the basis of the speed of movement of the pointing device (see, col.2, lines 31-40) or combination of movements (col.3, lines 41-46).

As to claims 16-18,35-37, one skill in the art would have recognize that the **Hanson et al** device would obviously teaches that the combination movement includes a linear movement in a first direction that is and/or end thereof or reversing the first direction (see, fig.2 [selecting the letter R, F in the first direction and then selecting the letter C, Q in a reverse direction) or two sequential linear movements at a predetermined angle to each other (fig.2 [selecting R, O, G]).

As to claims 19 and 38, **Hanson et al** teaches that the region or the regions are touch screen (see, fig.2 (28), col.2, lines 9-17).

As to claims 26,27,28,29, **Hanson et al**, discloses having three communication regions, each regions having associated therewith a plurality of symbols (fig.2 [1,2...];

[A, B...Z]; [F1, F2.F10]), a desired symbol or the like being selected by movement within the region having the desired symbol or the like associated therewith in a predetermined direction relative to the desired symbol or the like (col.4, lines 1-18,46-67).

Response to Arguments

4. Applicant's arguments filed on Oct.12, 2004 have been fully considered but they are not persuasive. The applicant argues that Hanson et al does not teach "*the communication region within a tolerance determined by the angular separation of adjacent symbols, and being offset relative to the location of the symbol to be selected*". However, this argument is not persuasive because the U.S.C. 112 first rejection above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2673

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703)305-4880. The examiner can normally be reached on M-F, T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amare Mengistu
Primary Examiner
Art Unit 2673

A.M
Feb.8,2005